

10867 U.S. PTO
02/12/01

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02-14-01

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 126745-200402

First Inventor or Application Identifier H. Michael Shepard

Title ENZYME CATALYZED THERAPEUTIC AGENTS

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Express Mail Label No. EL561389906US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 102]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 17 completed)
 - c. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 C.F.R. §3.73(b) Statement of Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09/235,961 / Filed 1/22/99

Prior application information: Examiner L.E. Crane

Group / Art Unit: 1623

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the prior application is submitted from the submitted application parts.

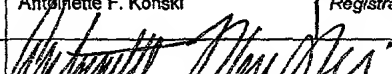
17. CONTINUING APPLICATION ADDRESS

☒ Customer Number or Bar Code Label

022836

or ☐ Correspondence address below

Name	Antoinette F. Konski				
	Baker & McKenzie				
Address	660 Hansen Way				
City	Palo Alto	State	California	Zip Code	94304
Country	USA	Telephone	(650) 856-2400	Fax	(650) 856-9299

Name (Print/Type)	Antoinette F. Konski	Registration No. (Attorney/Agent)	34,202
Signature		Date	February 12, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office,

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number To be Assigned
Filing Date February 12, 2001
First Named Inventor H. Michael SHEPARD
Examiner Name To be Assigned
Group / Art Unit To be Assigned
Attorney Docket No. 126745-200402

TOTAL AMOUNT OF PAYMENT (\$) 723.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number 50-0974
Deposit Account Name Baker & McKenzie
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:
☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE
Large Entity Small Entity
Fee Code Fee (\$) Fee Code Fee (\$) Fee Description Fee Paid
101 710 201 355 Utility filing fee 355
106 320 206 160 Design filing fee
107 490 207 245 Plant filing fee
108 710 208 355 Reissue filing fee
114 150 214 75 Provisional filing fee
SUBTOTAL (1) (\$) 355

2. EXTRA CLAIM FEES

Total Claims 37 -20 = 17 X 9 = 153
Independent Claims 5 -3 = 2 X 40 = 80
Multiple Dependent X 135 = 135
Large Entity Small Entity
Fee Code Fee (\$) Fee Code Fee (\$) Fee Description
103 18 203 9 Claims in excess of 20
102 30 202 40 Independent claims in excess of 3
104 270 204 135 Multiple dependent claim, if not paid
109 80 209 40 ** Reissue independent claims over original patent
110 18 210 9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$) 368

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES
Large Entity Small Entity
Fee Code Fee (\$) Fee Code Fee (\$) Fee Description Fee Paid
105 130 205 65 Surcharge - late filing fee or oath
127 50 227 25 Surcharge - late provisional filing fee or cover sheet
139 130 139 130 Non-English specification
147 2,520 147 2,520 For filing a request for reexamination
112 920* 112 920* Requesting publication of SIR prior to Examiner action
113 1,840* 113 1,840* Requesting publication of SIR after Examiner action
115 110 215 55 Extension for reply within first month
116 390 216 195 Extension for reply within second month
117 890 217 445 Extension for reply within third month
118 1,390 218 695 Extension for reply within fourth month
128 1,890 228 945 Extension for reply within fifth month
119 310 219 155 Notice of Appeal
120 310 220 155 Filing a brief in support of an appeal
121 270 221 135 Request for oral hearing
138 1,510 138 1,510 Petition to institute a public use proceeding
140 110 240 55 Petition to revive - unavoidable
141 1,240 241 620 Petition to revive - unintentional
142 1,240 242 620 Utility issue fee (or reissue)
143 440 243 220 Design issue fee
144 800 244 300 Plant issue fee
122 130 122 130 Petitions to the Commissioner
123 130 123 130 Petitions related to provisional applications
126 180 126 180 Submission of Information Disclosure Stmt
581 40 581 40 Recording each patent assignment per property (times number of properties)
146 710 246 355 Filing a submission after final rejection (37 CFR § 1.129(a))
149 710 249 355 For each additional invention to be examined (37 CFR § 1.129(b))
179 710 279 355 Request for Continued Examination (RCE)
169 900 169 900 Request for expedited examination of a design application
Other fee (specify) _____
*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 0

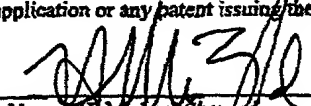
SUBMITTED BY

Name (Print/Type) Antoinette F. Konski Registration No. Attorney/Agent 34,202 Telephone (650) 856-2400
Signature [Signature] Date February 12, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PTO/SB/96 (10-92)

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)	Docket No. 366482000400
In the application of: H. Michael Shepard and Michael P. Groziak Serial No.: 09/235,961 Filed: January 22, 1999 For: ENZYME CATALYZED THERAPEUTIC AGENTS	
<p>NewBiotics, Inc., a California corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:</p> <p>A. <input checked="" type="checkbox"/> An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.</p> <p style="text-align: center;">OR</p> <p>B. <input type="checkbox"/> A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:</p> <ol style="list-style-type: none"> 1. From : To: The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached. 2. From : To: The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached. 3. From : To: The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached. <p><input type="checkbox"/> Additional documents in the chain of title are listed on a supplemental sheet.</p> <p><input type="checkbox"/> Copies of assignments or other documents in the chain of title are attached.</p> <p>The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.</p> <p>The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.</p> <p>I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <p>Dated: <u>4/2/99</u></p> <div style="text-align: right; margin-top: 20px;">  Name: H. Michael Shepard Title: Chief Scientific Officer </div>	

PTO/SB/96 (10-92)

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